



**PLANNING BOARD  
RESOLUTION No. 2012-35**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD  
RECOMMENDING APPROVAL OF AN ORDINANCE OF  
THE CITY OF KEY WEST, FLORIDA, AMENDING THE  
LAND DEVELOPMENT REGULATIONS, AND THE  
OFFICIAL ZONING MAP FOR PROPERTY KNOWN AS  
THE PEARY COURT HOUSING COMPLEX (RE#  
00006730-000000, ALTERNATE KEY# 1006963)  
AMENDING THE OFFICIAL ZONING MAP LEGEND;  
AMENDING CHAPTER 122, ARTICLE IV, TO CREATE A  
NEW HISTORIC SPECIAL MEDIUM DENSITY  
RESIDENTIAL DISTRICT (HSMDR), PROVIDING FOR  
PERMITTED USES, CONSOLIDATIONAL USES,  
PROHIBITED USES AND DIMENSIONAL  
REQUIREMENTS; AMENDING CHAPTER 122, ARTICLE  
V, PROVIDING AMENDMENTS TO THE TABLES OF  
USES AND DIMENSIONAL REQUIREMENTS FOR THE  
HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL  
DISTRICT (HSMDR); PROVIDING FOR CONCURRENT  
AND CONDITIONAL ADOPTION UPON ADOPTION OF  
COMPREHENSIVE PLAN AMENDMENTS; PROVIDING  
FOR SEVERABILITY; PROVIDING FOR REPEAL OF  
INCONSISTENT PROVISIONS; PROVIDING FOR AN  
EFFECTIVE DATE.**

**WHEREAS**, on April 17, 2011 the Planning Department was informed that the Navy  
would be selling the Peary Court Housing Complex to a private entity, Southeast Housing, LLC.;  
and

**WHEREAS**, the Peary Court Housing Complex property is currently zoned Military (M)  
lands, and is not subject to the City's Land Development Regulations; and

  
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\_\_\_\_\_  
Vice-Chairman  
Planning Director

**WHEREAS**, the Planning Department initiated the proposed LDR amendments subsequent to beginning the process for amending the Comprehensive Plan Future Land Use Map and Element to the ordinance as a result of an application received by; Southeast Housing, LLC.; and

**WHEREAS**, the Planning Board held a noticed public hearing on July 19, 2012, where based on the consideration of recommendations by the City Planner and City Attorney, the Planning Board recommended approval of the proposed amendments; and

**WHEREAS**, the Planning Board determined that the proposed amendments are: consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional public demand on public facilities; will have no impact on the built environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

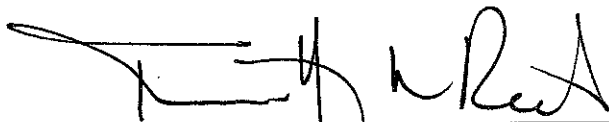
**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That Chapter 122 of the Code of Ordinances entitled "Zoning" by amending Section 122-92, Section 122-611, Section 122-612, Section 122-613, Section 122-614, Section 122-615, Section 122-616, Section 122-1111, Section 122-1157, and the official zoning map and legend of the City of Key West for property known as the Peary Court Housing Complex (RE# 00006730-000000, Alternate Key #1006963) is hereby recommended for approval; a copy of the recommended modifications to the Code is attached.

**Section 3.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.  
Read and passed on first reading at a regular meeting held this 19<sup>th</sup> day of July, 2012.

Authenticated by the Vice-Chairman of the Planning Board and the Planning Director.

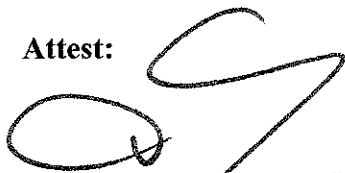


Vice-Chairman Timothy Root  
Key West Planning Board

7/27/12

Date

Attest:

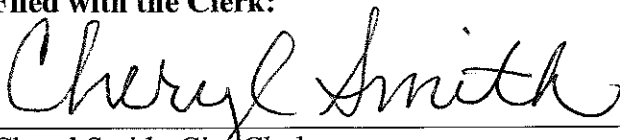


Donald Leland Craig, AICP  
Planning Director

7.25.12

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

7-27-12

Date



Vice-Chairman



Planning Director

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST AMENDING THE LAND DEVELOPMENT REGULATIONS, AND THE OFFICIAL ZONING MAP FOR PROPERTY KNOWN AS THE PEARY COURT HOUSING COMPLEX (RE# 00006730-000000, Alternate Key# 1006963) AMENDING THE OFFICIAL ZONING MAP LEGEND; AMENDING CHAPTER 122, ARTICLE IV, TO CREATE A NEW HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL DISTRICT (HSMDR), PROVIDING FOR PERMITTED USES, CONDITIONAL USES, PROHIBITED USES AND DIMENSIONAL REQUIREMENTS; AMENDING CHAPTER 122, ARTICLE V, PROVIDING AMENDMENTS TO THE TABLES OF USES AND DIMENSIONAL REQUIREMENTS FOR HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL DISTRICT (HSMDR); PROVIDING FOR CONCURRENT AND CONDITIONAL ADOPTION UPON APPROVAL OF COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-517 of the Code of Ordinances allows the City Commission to amend the text of the Land Development Regulations and the boundaries of the Official Zoning Map in accordance with Sections 90-486 through 90-524.

WHEREAS, pursuant to Section 90-522, the Planning Board held a noticed public hearing on \_\_\_\_\_; where based on the consideration of recommendations of the City Planner, City Attorney, Building Official, and public testimony and input, and

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recommendation of the Planning Department, recommended approval of the proposed amendments; and

WHEREAS, the City Commission held a noticed public hearing on \_\_\_\_\_ and a second public hearing on \_\_\_\_\_ and in its deliberations considered the criteria identified in Section 90-521 of the Code of Ordinances; and

WHEREAS, the City determined that the proposed amendments are: consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

\*(Coding: Added language is underlined; deleted language is struck through.)

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Section 1: That Chapter 122, Article IV, of the Code of Ordinances is hereby amended as follows:

SUBPART B - LAND DEVELOPMENT REGULATIONS

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CHAPTER 122

ZONING

ARTICLE IV. DISTRICTS

DIVISION 1. GENERALLY

Sec. 122-92. - Future land use map designations and zoning districts.

The following table references adopted future land use map designations contained in the land use element of the city comprehensive plan and identifies corresponding zoning districts which are established in order to implement the future land use map designations, respectively:

FUTURE LAND USE MAP DESIGNATIONS AND ZONING DISTRICTS

Old Town Historic Preservation	
***	
HSMDR	Historic Special Medium Density Residential
***	

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Section 2: That Chapter 122, Article IV, Division 6 of the Code of Ordinances is hereby amended as follows:

\* (Coding: Added language is underlined; deleted language is struck through.)

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[new] SUBDIVISION III. HISTORIC SPECIAL MEDIUM DENSITY RESIDENTIAL DISTRICT

Sec. 122-611. - Intent.

- (a) The historic special medium density residential district (HSMDR) is established to implement comprehensive plan policies for areas designated "HSMDR" on the comprehensive plan future land use map. The HSMDR district shall accommodate historic special Old Town medium density residential development for permanent residents, including single-family, duplex, and multiple-family residential structures.
- (b) Accessory uses and structures, including approved home occupations conducted within the residential structure, and customary community facilities can be located in the HSMDR designated area. This district shall not accommodate transient residential lodging uses, including guesthomes, motels or hotels, time-shares, transient apartment, vacation rental, and gated transient communities.

\* (Coding: Added language is underlined; deleted language is struck through.)

(c) Freestanding commercial offices, retail or other commercial or industrial uses of any kind shall not be permitted.

(d) The Historic Preservation Planner shall have the discretion to review redevelopment and new development impacts for mass, scale, size, proportion and screening to ensure compatibility with the existing commercial fabric.

Sec. 122-612. - Permitted uses.

Uses permitted in the historic medium density residential district (HSMDR) are as follows:

- (1) Single-family and two-family residential dwellings.
- (2) Multiple-family residential dwellings.
- (3) Accessory uses and structures.
- (4) Approved home occupations.

Sec. 122-613. - Conditional uses.

Conditional uses in the historic medium density residential district (HSMDR) are as follows:

- (1) Community centers, clubs and lodges accessory to residential uses.

\* (Coding: Added language is underlined; deleted language is struck through.)

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- (2) Cultural and civic activities.
- (3) Parks and recreation active and passive.
- (4) Public and private utilities.
- (5) Parking lots and facilities.
- (6) Educational institutions and day care facilities.

Sec. 122-614. - Prohibited uses.

In the historic special medium density residential district (HSMDR), all uses not specifically or provisionally provided for in this subdivision are prohibited.

Sec. 122-615. - Dimensional requirements.

The dimensional requirements in the historic special medium density residential district (HSMDR) are as follows; however, construction may be limited by proportion, scale and mass considerations as expressed through the Historic Architectural Review Commission Design Guidelines, for additions and alterations and new construction, dated and effective January 5, 2010 and administered by the Historic Preservation Planner, and/or the HARC Commission, who shall have the responsibility to review and approve or deny all applications for improvements, redevelopment and new development.

\* (Coding: Added language is underlined; deleted language is struck through.)

- (1) Maximum density: 8 dwelling units per acre (8 du/acre).
- (2) Maximum floor area ratio for all development including residential: 1.0.
- (3) Maximum height: 30 feet.
- (4) Maximum lot coverage:
  - a. Maximum building coverage: 40 percent.
  - b. Maximum impervious surface ratio: 60 percent.
- (5) Minimum lot size: 5,000 square feet.
  - a. Minimum lot width: 50 feet.
  - b. Minimum lot depth: 100 feet.
- (6) Minimum setbacks:
  - a. Front: 10 feet.
  - b. Side: 5 feet.
  - c. Rear: 15 feet.
  - d. Street side: 7.5 feet.

Sec. 122-616. - Affordable housing requirements.

Affordable housing shall be required for all existing residential, redeveloped residential and new residential development at a ratio of 30% for properties located within the HSMDR zoning district per Chapter 122, Article V, Division 10, Sections 122-1465 through 122-1472.

\* (Coding: Added language is underlined; deleted language is struck through.)

Section 3: That Chapter 122, Article V, Division 2, Uses,  
Section 122-1111 of the Code of Ordinances is hereby amended as  
follows:

\*(Coding: Added language is underlined; deleted language is struck through.)

ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS  
DIVISION 2. USES

Sec. 122-1111. - Table of land use by districts  
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TABLE OF LAND USE BY DISTRICT

	LDR- C	SF	MDR	MDR- C	HDR	CL	CG	CT	RO	PRD	HMDR	HSMDR	HHDR	HRCC-1	HRCC-2	HRCC-3	HPRD	HNC-1	HNC-2	HNC-3	HCT	HRO	HPS	HPS- 1	PS	C	A5
Residential Uses																											
Accessory residential units (reference section 122-171)		P																									
Single-family dwellings	P	P	P	P	P	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			4		
Duplexes/two-family dwellings		C1	P	P	P	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			4		
Multiple-family dwellings			P	P	P	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			4		
Foster homes/group homes with 5 to 6 residents2	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P					
Group homes with 7-14 residents			C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C					
Approved home occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			4	C	
Community Facilities																											
Airport facilities																										P	
Cemeteries																						C		C			
Community centers, clubs and lodges						C	C	C	C	C		C		C	C	C	C	C			C	C	P		P		
Cultural and civic activities						P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C		
Educational institutions and day care facilities		C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P		P		
Golf course facilities6										C															P		

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Section 4 - That Chapter 122, Article V, Division 3, Area Requirements, Section 122-1157, Size and Dimension Regulations, of the Code of Ordinances is hereby amended follows:

DIVISION 3. AREA REQUIREMENTS

Sec. 122-1151. - Size and dimension.

Size and dimension regulations for zoning districts shall be as follows:

TABLE OF SIZE AND DIMENSION REGULATIONS

District	Minimum Setback Requirements										Maximum Density (du/acre)
	Minimum Area (sq. ft.)	Minimum Width (sq. ft.)	Minimum Depth (sq. ft.)	Impervious Surface Ratio	Maximum Building Coverage	Front Setback (feet)	Street Side Setback (feet) <sup>1</sup>	Side Setback (feet)	Rear Setback (feet)	Maximum Height (feet)	Maximum Floor Area Ratio
***											
HSMDR historic special medium density residential	<u>5,000</u>	<u>50</u>	<u>100</u>	<u>60</u>	<u>40</u>	<u>10</u>	<u>7.5</u>	<u>5</u>	<u>15</u>	<u>30</u>	<u>1.0</u> <u>22</u>
***											
											<u>8</u>

22. Maximum Floor Area Ratio applies to all development and redevelopment including residential: 1.0.

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Section 5: The official zoning map of the City of Key West is hereby amended as follows:

Remove the Military (M) zoning map description applied to the property known as the Peary Court Housing Complex (RE# 00006730-000000, Alternate Key# 1006963), and substitute the new Historic Special Medium Density (HSMDR) zoning designation (Exhibit 1); and

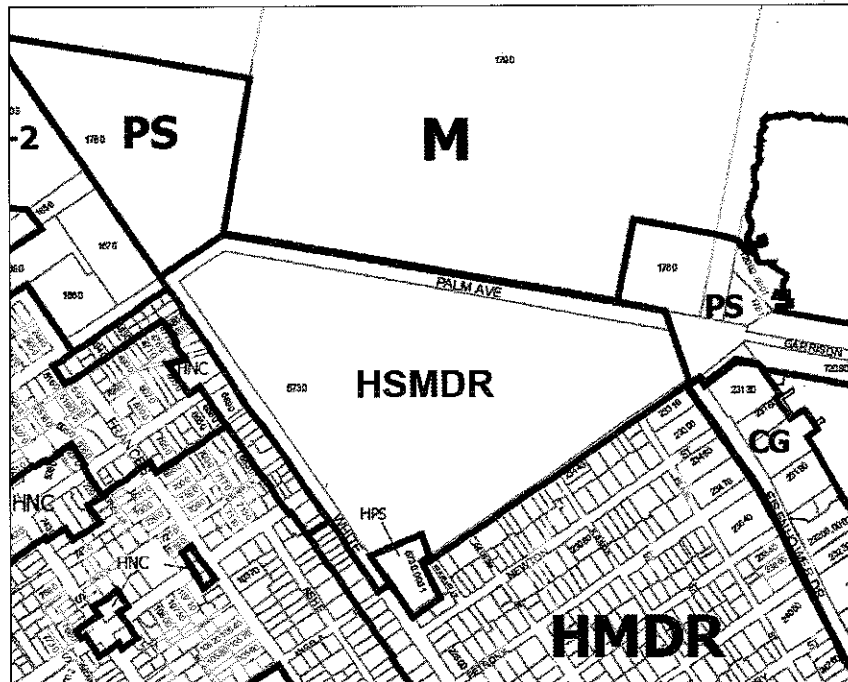


Exhibit 1

The Official Zoning Map Legend shall be amended to include the Historic Medium Density (HSMDR) Zoning designation (Exhibit 2); and

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OFFICIAL ZONING MAP OF THE CITY OF KEY WEST, FLORIDA				
<b>LEGEND</b>				
<b>A</b> Airport	<b>HHDR</b> Historic High Density Residential	<b>MDR</b> Medium Density Residential	Zoning definitions based on Future Land Use Map (FLUM). Original map created by D. Sollins Stewart with the City of Key West Planning Department dated 1993. 1996 Revisions provided by the City of Key West Planning Department. FLUM adopted as zoning map by ordinance 97-10, July 3, 1997. 2004 Revisions provided by the City of Key West Planning Department based on ordinances 99-18, 00-14, and 03-04. Base map provided by the Monroe County Property Appraiser. Parcel map updated on: June 24, 2004 Plot prepared on: December 14, 2004 <small>THIS PROPERTY LOCATION MAP HAS BEEN COMPILED FOR INTERNAL OFFICE USE AS AN AID IN THE PREPARATION OF THE MONROE COUNTY TAX ROLL. IT IS NOT A SURVEY AND THE OWNERSHIP INFORMATION DISCLOSED THEREON SHOULD NOT BE RELIED UPON FOR TITLE PURPOSES. NEITHER THE CITY OF KEY WEST NOR THE OFFICE OF THE PROPERTY APPRAISER ASSUMES RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS.</small>	
<b>C-FW</b> Conservation- Freshwater Wetlands	<b>HMADR</b> Historic Medium Density Residential	<b>MDR-1</b> Medium Density Residential 1		
<b>C-OW</b> Conservation- Outstanding Waters of the State	<b>HNR-C (1 - 3)</b> Historic Neighborhood Commercial 1 - 3	<b>MDR-C</b> Coastal Medium Density Residential	<b>ATTESTED:</b> See Key West City Clerk's Office for Official Version TV Signature, City Planner _____ DATE _____ REVISIONS: <b>HSMR Historic Special Medium Density Residential District</b>	
<b>C-TW</b> Conservation- Tidal Wetlands of the State	<b>HRPD</b> Historic Planned Redevelopment and Development District	<b>PRD</b> Planned Redevelopment and Development District		
<b>C-UH</b> Conservation- Upland Hardwood	<b>HPS</b> Historic Public and Semi-public Services	<b>PS</b> Public Services		
<b>CS</b> General Commercial	<b>HPS (1 &amp; 2)</b> Historic Public and Semi-public Services 1 & 2	<b>RO</b> Residential / Office		
<b>CL</b> Limited Commercial	<b>HRC-C</b> Historic Residential Commercial Core	<b>SF</b> Single Family		
<b>CN</b> Conservation- Mangrove	<b>HRC-C (1 - 4)</b> Historic Residential Commercial Core 1-4	<b>SP</b> Special, Ordinances 122-256 and 122-256		
<b>CT</b> Sub Rural Commercial Tourist	<b>HRO</b> Historic Residential / Office			
<b>HCL</b> Historic Limited Commercial	<b>HLR-C</b> Coastal Low Density Residential			
<b>HCT</b> Historic Commercial Tourist	<b>M</b> Military			
<b>HDR</b> High Density Residential				

## Exhibit 2

Section 6: Pursuant to Laws of Florida 2012-99, amending Florida Statute Section 163.3184(12), this Ordinance is adopted concurrently with and expressly contingent upon final approval and adoption of the City of Key West Comprehensive Plan Future Land Use Amendment for rezoning Peary Court approved for transmittal upon first reading by the City Commission on May 29, 2012 and submitted to the State of Florida Department of Economic Opportunity (DEO) on June 8, 2012.

Section 7: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

\*(Coding: Added language is underlined; deleted language is struck through.)

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Section 8: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 9: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

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Read and passed on first reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Read and passed on final reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Authenticated by the presiding officer and Clerk of the  
Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Filed with the Clerk \_\_\_\_\_, 2012.

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK

\* (Coding: Added language is underlined; deleted language is struck through.)

A handwritten signature in black ink, appearing to be 'RWR' with a checkmark above it.